IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25187 of 2004

Between:

N. Eshwar, S/o. N. Bhagavan,
R/o. Jai Matha Security Services and Training, H.No.1-7-1294, Advocates Colony,
Hanamkonda, Warangal District.

..... PETITIONER

AND

1 The District Collector/Chairman, H.D.S., M.G.M. Hospital Warangal, Warangal District.
2 The Superintendent, Mahatma Gandhi Memorial Hospital (MGM), Warangal, Warangal District.
3 The Director, Department of Medical and Health, Koti, Hyderabad.
4 The Secretary Government of Andhra Pradesh, Department of Medical and Health,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly in the nature of Writ of Mandamus by declaring the action of the respondents in playing fraud against the petitioner by calling the tenders secretly without any notice to the petitioner and without giving opportunity to the petitioner and general public for contract for the purpose of Security services in Mahatma Gandhi Memorial Hospital (MGM) Warangal is illegal, arbitrary, unjust, unfair and in violation of Principles of Natural Justice and in violation of Articles 19,14 and 300A and in violation guidelines of Apex Courts while calling the tenders from public and violation of general principles prescribed for calling tenders from the interested persons by setting aside the notification dated 29-12-2004 including all further proceedings in pursuance to the notification dated 29-12-2004 and consequently directing the Respondents to give opportunity to the petitioner for the contract of maintaining security services in Mahatma Gandhi Memorial Hospital (MGM) Hospital by considering on preference basis.

Counsel for the Petitioner: MR.P.MEHAR SRINIVASA RAO

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court at the stage of admission made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25187 OF 2004

ORDER:

Heard both sides and with the consent of both counsel, the writ petition is disposed of at the stage of admission.

The facts in brief are that the petitioner is running a firm viz., M/s.Jai Mata Security Services and Training and he was allotted internal security contract of Mahatma Gandhi Memorial Hospital, Warangal on 5.1.2004 for the period of one year from 7.1.2004 to 6.1.2005 and he is performing the contract work with utmost satisfaction of the authorities and without any complaints.

While so, the respondents on 29.12.2004 issued tender notice in Eenadu Daily calling tenders from the authorized contractors for maintenance of security services in Mahatma Gandhi Memorial Hospital, Warangal. It is stated that in the said notification the last date for sale of tender application is mentioned as 30.12.2004 and the last date for submission of applications is mentioned as 31.12.2004 at 2.00 P.M. The grievance of the petitioner is that the time for obtaining the tender application and submitting the same is very short.

The learned Government Pleader submits that the time for sale of tender applications is extended up to 1.1.2005 and the time for receipt of applications is extended up to 3.1.2005, through a paper notification dated 30.12.2004. The learned Government Pleader filed paper publication to this effect.

In that view of the matter, as the relief sought by the petitioner is considered and time is extended, no further orders are necessary in this writ petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to participate in the auction. No costs.

31.12.2004.

mdaa/tvk.

Copy to:

1 The District Collector/Chairman, H.D.S., M.G.M. Hospital Warangal, Warangal District.
2 The Superintendent, Mahatma Gandhi Memorial Hospital (MGM), Warangal, Warangal District.
3 The Director, Department of Medical and Health, Koti, Hyderabad.
4 The Secretary Government of Andhra Pradesh, Department of Medical and Health,
Secretariat, Hyderabad.

5. Two C.Cs to G.P.for Medical Health and Family Welfare, High court of A.P., Hyderabad (OUT).

6. Two C.D.copies.